

AO 91 (Rev. 06/99) Criminal Complaint

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

STEPHEN M. LETAVEC
109 FAIRVIEW AVENUE
ELRAMA, PENNSYLVANIA

DOCKET NUMBER:

06-74M

I, the undersigned complainant being duly sworn states: The following is true and correct to the best of my knowledge and belief. Between on or about March 2005 and January 2006, in Fairfield County, in the District of Connecticut, and elsewhere, the defendant used any facility or means of interstate or foreign commerce to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempted to do so, in violation of Title 18 United States Code, § 2422(b), and traveled in interstate commerce to engage in illicit sexual conduct, in violation of Title 18 United States Code, § 2423(b).

I further state that I am a Special Agent with the Computer Crimes Task Force of the Federal Bureau of Investigation and that this complaint is based on the following facts: see Affidavit

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant
Kathy Shumaker

FILED

Sworn to before me and subscribed in my presence,

FEB 24 2006

February 23, 2006

Date

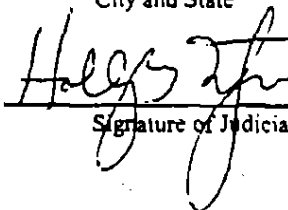
at

Bridgeport, Connecticut

City and State

HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer



Signature of Judicial Officer

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

STATE OF CONNECTICUT

:

: ss. Bridgeport, Connecticut

COUNTY OF FAIRFIELD

:

AFFIDAVIT

I, Kathy Shumaker, being duly sworn, depose and state as follows:

1. I am a Special Agent with Federal Bureau of Investigation ("FBI") and have been so employed for 20 years. I am currently assigned to the New Haven FBI's Computer Crimes Task Force. Since joining the FBI, I have been involved in investigations related to bank robbery, drugs, kidnaping, and crimes against children. I have gained expertise in the conduct of such investigations through training in seminars, classes, and everyday work related to conducting these types of investigations. In addition, I participate in the District of Connecticut Crimes Against Children Working Group. Since 2001, it has been part of my job responsibilities to identify, investigate and assist in the apprehension and prosecution of individuals who violate federal crimes involving child exploitation. During my career, I have been the affiant in numerous applications for arrest warrants such as this one.

2. As an FBI agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. I am presently investigating the activities of STEPHEN M. LETAVEC ("LETAVEC"), a/k/a "BIKER IN BLACK," age 39, 109 Fairview Avenue, Elrama, Pennsylvania. For the reasons set forth below, there is probable cause to believe, and I do

believe, that LETAVEC has used a means or facility of interstate commerce, such as an interactive computer service and a telephone, to persuade, induce, entice or coerce, and to attempt to persuade, induce, entice or coerce, a juvenile to engage in sexual activity for which any person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b). There also is probable cause to believe, and I do believe, that LETAVEC has traveled in interstate commerce to engage in illicit sexual conduct in violation of 18 U.S.C. § 2423(b). I submit this affidavit in support of a criminal complaint and arrest warrant for STEPHEN M. LETAVEC, 109 Fairview Avenue, Elrama, Pennsylvania, for a violation of Title 18, United States Code, Sections 2422(b) and 2423(b).

4. The information supplied in this affidavit is based in part upon an investigation into this matter carried out by me and other members of the Computer Crimes Task Force, other law enforcement officers, my training and experience and the training and experience of my fellow law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that LETAVEC has violated Title 18, United States Code, Section 2422(b).

STATUTORY AUTHORITY

5. This investigation concerns alleged violations of Title 18, United States Code, Sections 2422(b) and 2423(b). Section 2422(b) relates to the use of an interstate facility to persuade, induce, entice or coerce, and to attempt to persuade, induce, entice or coerce, a juvenile to engage in unlawful sexual activity. Under this statute, it is unlawful for a person to use a

facility or means of interstate commerce to persuade, induce, entice or coerce, or to attempt to persuade, induce, entice or coerce, a person under the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense. Section 2423(b) relates to travel in interstate or foreign commerce for the purpose of engaging in any illicit sexual conduct with another person. Under this statute, the term "illicit sexual conduct" means a sexual act with a person under 18 years of age.

DETAILS OF THE INVESTIGATION

6. In or about March, 2005, the victim, a fourteen (14) year old female, met an adult male who identified himself as "Steve," age 39, from Pennsylvania while on her computer and using a website known as www.myspace.com. The victim's display name was visible on www.myspace.com on her profile. In her www.myspace.com profile the victim identified herself as eighteen (18) years old. During that time, the victim started speaking with LETAVEC about motorcycles. LETAVEC's display name on www.myspace.com was "(Steve) Biker-In-Black." The victim also discussed things about her family life and her perceived lack of support from her parents. According to the victim, LETAVEC would tell the victim that he is a father and has a daughter with whom he is very close, and that he knows how to treat a daughter and make them feel good. The victim and LETAVEC communicated on www.myspace.com "almost everyday" since March, 2005 until early February, 2006.

7. The victim was aware that LETAVEC was 39 years old based on his www.myspace.com profile and because he informed the victim more than once of his age. The victim also explained that when she first started speaking with LETAVEC online she told him that she was 14 years old.

8. LETAVEC and the victim did discuss while on www.myspace.com situations pertaining to sex, including LETAVEC asking the victim if she wanted to have sex with him someday, to which she replied "yes." The victim explained that she told LETAVEC that she was a virgin and LETAVEC would explain to the victim that "it would hurt the first time, and that [she] would bleed."

9. Sometime during August, 2005, the victim asked LETAVEC if he wanted to come to Connecticut to see her and the victim and LETAVEC agreed to meet on August 13, 2005. LETAVEC traveled to Connecticut on that date and met the victim in the victim's neighborhood of Oxford, Connecticut. During that time, LETAVEC "kissed [the victim] on the lips and hugged [her]." According to the victim, LETAVEC drove his black Harley Davidson motorcycle from Pennsylvania on August 13, 2005 to meet the victim in Connecticut.

10. LETAVEC also traveled from Pennsylvania to Connecticut to meet the victim on or about October 13, 2005. The victim has explained that on that date she met LETAVEC in the Seymour High School parking lot at approximately 2:45p.m. On that date LETAVEC and the victim met in LETAVEC's Ford sport utility van ("SUV"). The victim has explained that she had just finished her high school cross-country practice when she met LETAVEC. The victim and LETAVEC sat in his SUV and "made out." During this time, LETAVEC placed his hands over the victim's jeans and fondled her vagina. The victim also stated that she placed her hand over LETAVEC's jeans "onto his penis area and rubbed the area back and fourth." This activity occurred for approximately 20 minutes. The victim then left LETAVEC's SUV and went into the high school. At this time that LETAVEC traveled to Connecticut to meet the victim he also brought with him a number of gifts for the victim. These included a black leather jacket and his

Harley Davidson belt buckle. These items were recovered by the victim's father and are now in the custody of law enforcement.

11. During this entire time, March, 2005 to February, 2006, LETAVEC also would communicate with the victim via email. During these communications LETAVEC also sent the victim pictures of himself via email.

12. LETAVEC next traveled to Connecticut to meet the victim on or about January 13, 2006. They met at Naugatuck High School in Naugatuck, Connecticut, where the victim was participating in her high school swim meet and LETAVEC was a spectator in the stands. The victim explained that she arranged to meet LETAVEC that day during telephone conversations they had prior to that date. During the swim meet, the victim pointed LETAVEC out to her friend, also a minor ("friend").

13. The victim has further explained that after the swim meet, she went to her friend's home in Woodbury, Connecticut, with her friend and her friend's mother ("friend's mother"). LETAVEC arrived at the friend's home a short time later in his Ford SUV. While at the friend's home, the friend and the victim spoke with LETAVEC while the friend's mother was present. LETAVEC then left the friend's home and told the victim that he would speak with her the next day.

14. On January 14, 2006, LETAVEC called the friend's cellular telephone and spoke with the victim. LETAVEC and the victim arranged to meet at the friend's home. From there, the friend and the friend's mother drove to the Danbury Fair Mall in Danbury, Connecticut, in the friend's mother's car and LETAVEC and the victim followed them to the Danbury Fair Mall in LETAVEC's SUV. While at the mall, the friend took a photograph of LETAVEC and the

victim sitting on a bench inside the mall. The victim in a subsequent interview also explained that while she was in LETAVEC's SUV she performed oral sex on him. After that time, LETAVEC drove the victim back to the friend's home in Woodbury.

15. Much of the above information was corroborated by Rick Kearns, the Director of Security for the Seymour Public School System in Seymour, Connecticut, after he interviewed the victim. In addition, in the victim's presence, Kearns signed onto www.myspace.com and the victim directed Kearns to LETAVEC's profile on www.myspace.com. Kearns viewed pictures of LETAVEC at that time. Kearns also spoke with the victim's father, who requested that Kearns search the victim's locker at school. When Kearns did so he found, among other things, a book bag that contained two (2) hardcover journal binders. Contained within the binders were several entries in a journal that referred to "Steve" as well as several photographs and copies of e-mails. The photograph's that Kearns observed were of the same male on the website www.myspace.com. Kearns turned the photographs and other items over to the Seymour Police Department.

16. On or about December 31, 2005, the victim's sister was at a friend's house and went on www.myspace.com. While online, the victim's sister looked at the victim's profile on www.myspace.com and saw pictures of her sister with an older man as well as references to **BIKER IN BLACK**. On or about January 26, 2006, the victim's sister confronted the victim about some of the things on the victim's www.myspace.com profile. The victim's sister told their father about the pictures and their father confronted the victim about them. The victim at first denied that LETAVEC had traveled to Connecticut to see her. The next day, however, the victim admitted to her father that LETAVEC had traveled to Connecticut and met her three

times.

17. The victim's father has also explained that on or about January 26, 2006, his older daughter approached the victim about www.myspace.com. The father later learned that the victim had a profile on www.myspace.com. The father stated that he reviewed the statements, comments and pictures on the victim's profile on www.myspace.com. He then looked at a profile named **BIKER IN BLACK**, which was the profile of a male named "Steve." The profile showed that his age was 39 years old. The victim's father continued to learn about the victim's relationship with **LETAVEC** and that the victim and **LETAVEC** met on Oakwood Drive in Oxford, Connecticut, on August 13, 2005, and that on that date the victim's brother saw the victim on the back of a motorcycle that was being driven by an older male. The victim later told her father that the person driving the motorcycle was **LETAVEC** and that **LETAVEC** rode his motorcycle from his home town of Elrama, Pennsylvania to Oxford, Connecticut.

18. The victim's father further explained that on or about January 30, 2006, he noticed that **LETAVEC** had changed his profile name from **BIKER IN BLACK** to **SMOOTH BIKER IN BLACK**. Further, the father stated that **LETAVEC** deleted all the pictures and dialog that the father had previously seen on **LETAVEC**'s profile on www.myspace.com. The father explained that the victim told him that **SMOOTH BIKER IN BLACK** was **LETAVEC** from Elrama, Pennsylvania, and that **LETAVEC** is married with a daughter and son.

19. The victim also told her father that she contacted **LETAVEC** using the victim's mother's cellular telephone. The father checked his wife's telephone records and discovered numerous telephone calls placed to and received from telephone number (412) 889-3725 in Pittsburgh, Pennsylvania. When confronted by her father, the victim confirmed that **LETAVEC**

had traveled from Pennsylvania to Connecticut as well as the dates of travel. The victim's father recovered several gifts that were given by LETAVEC to the victim, including a T-shirt that read "GET DRUNK AND BE SOMEBODY, ELRAMA, PA." which are now in the custody of law enforcement. A photograph of LETAVEC on his www.myspace.com profile shows him wearing a shirt that reads "GET DRUNK AND BE SOMEBODY, ELRAMA, PA."

20. Several email messages from LETAVEC to the victim that were found by Kearns in the victim's locker at her high school have been reviewed by the affiant. One email, which confirms that the victim performed oral sex on LETAVEC, reads as follows:

Let's see where should I start? I do not think I could have been more scared to sit at your meet with mama so close, I loved watching you swim and dive. It all eased up a little when [REDACTED] showed up, what another amazing girl, I am proud to say she is my friend. Then after the meet, [REDACTED] (another amazing lady) brought you to me. That I will never forget, hell we go to her house and she welcomes me in with open arms. How amazing was that? And then she allows me to take you out for a good while, again, how amazing was that? And believe you me, I had a great time that night. You feel so great in my arms, I really never wanted to let you go, ever. I could look into your beautiful eyes all day long, as long as they are looking at me with love. I love the softness of your skin when I touch you. And the softness of your touch when you touch me. I really did not want to go to my room that night, I wanted to spend the night with you. But [REDACTED] does not put that much trust in me, I guess, I understand where she was coming from. Then we move on to Saturday, [REDACTED] let's me in the house at [REDACTED] to be with you. Then she leaves me alone in her house with two beautiful girls, while she goes to work. WOW, that told me she trusted me somewhat. Now we have each other all day. And what a day it was (13 hours), we made out on the floor, in the kitchen, and in [REDACTED] bed. When you asked if I wanted to shower with you, I really thought you were kidding. Again, if I knew then what I know now, I would have been in there with you. [REDACTED] showed me that she trusted me by walking around in her bra, that's cool. And when you came out of the shower, I so wanted to pull off that towel. I wanted to make love to you right there and then. But you continued to pull up the towel every time it started to slip off, then you hit me with DO NOT LOOK, that hurt me bad. I did not want to say anything then, and I did not know you were kidding when you said that. You did not have to get dressed so fast if you wanted it too, if you did not want to have intercourse, that would have been fine. I would have loved to just eat you out until you came all over my face, and

maybe get a blow job in return . That would have been awesome, I thought that there was something wrong with me (too fat or too old) to make you act like you were, and that killed me again . Then we go for a ride so I can get [REDACTED] bottle of wine, then back to house. Then 15 minutes before [REDACTED] was suppose to come home you started to loosen up, again I wanted to eat you out then . I did love playing with your clit, but I really wanted to suck on it . Then I go out for a cigarette and you actually thought I left you without saying goodbye . That hurt again because you even thought it, then you read my message . And then you stuck the knife into my chest, with the only thing that would have stopped you from making love with me was [REDACTED] that hurt bad . And yes I was ready to leave right there, and if you would have went in the house I would have left right there and then . If you would have explained that [REDACTED] knows that you are a virgin and you did not want to have to explain to him why you were not anymore if we did something, then I would have understood . You really need to think before you speak, you are really going to get yourself in trouble one of these day's . Then we go to the mall, and you moan about me wanting to buy me something . When you called and said we had to go, I was looking at a diamond, 3 Tear drop necklace for you on sale for \$199 .00. It would have represented the tears that we shed for each other all the time . It was killing me knowing that I had to give you back in a couple of hours, that is why i was crying and went for a walk . You are the main reason I am still alive right now, and no one appreciates that more than me, thank you! Then on the way to the place where I was staying the night, you started to give the most sensual blow job I have ever got, but for some reason you stopped so quick, probably something I did again . I did not want you to stop, oh baby it felt wonderful . I have a hard time believing that you never gave someone head before, I thought you said before that you did . I am going to have to look back in the old messages on yahoo and see . It hurts my heart to look at your page and see you and [REDACTED] kissing . Now, what really tears at my heart is all of those voice mails! Like I want you to come to CT . and fuck me hard, or I wanted to suck your cock so bad, or I want you to eat me out until I come all over your face. Now why would you say that to me if you never really wanted me to do any of that? Now, as I said all along that things were going to change when [REDACTED] came into the picture, and you kept saying no, never think that. But I was right again, some things changed . And it kills me to think that you can not tell me these things . I no longer want to be your first, I want it to be special between us . I do not want it to hurt when we make love, so go and have sex, because that is what it will be, everyone is too young to know how to make love yet. So when you are no longer a virgin, it will hurt me when you are not anymore and at the same time I will be happy that you will be ready the next time . So when you are no longer scared of me hurting you or making you have to explain yourself to [REDACTED] Then and only then will I come back to see you again baby doll, I want to be able to show you and give you all of the love that I can give . You are beautiful, and I love you with my whole heart . You mean the world to me [victim's name] . I will talk to you later

babydoll, Kisses* <3 xoxoxoxo I am going to give you room to breath, I will not be sending you very many messages or comments any more, no phone calls_ except when you say I can call, but only if I ask . I do not want to get in the way .- You have fun for now, start planning on the next visit I will be there for two or three days next time too. I am not sure when though, that will be up to you . When ever you are not scared of me hurting you anymore when we make love and you are out of school . It is getting harder and harder for me to leave you . I hate the fact that I am going to start to look older and I would not want you to be embarassed to be seen with me. I am coming this summer if you are ready for me to come this time . Sooner or later I am going to run out of excuses to come to you . What if this summer was the last time I would be able to see you for a few years, or worse, never, and I was never allowed to make love to you . I showed you what love is and how it feels, and I want to show you how making love feels too, not just sex because there is a difference, most people learn that with age . It would probably put me in a nut house or in the ground if I didn't, I can not imagine life without you in it, in some way . I hope this explains everything that I was too scared to tell you before, in fear that you would not love me and tell me to leave you alone . I hated that I made you cry on the steps at the sherwoods, it killed part of my heart when I looked into your eyes and seen how bad I hurt you when I said I was leaving because I wanted you so bad but I see that will never happen . I am glad I stayed, because I might never have made it home, I was mad at what you said to me and I hated myself for making you cry like that and run away from me, a big part of me died that day . I am sorry for all of the heart ache and trouble I caused you. I love you babydoll, MISS ME BABY!!

21. In an email from LETAVEC to the victim dated October 17, 2005, LETAVEC wrote, in part, as follows: "Well, the problem I have been having since the 13th of August is, I keep thinking that I may never see you again and that just tears me apart inside. . . . And this is why I have cried every day since holding you the first time. I wish everything was different, age wise and location we are from each other. It drives me fucking crazy knowing it is so wrong and scares me to death of getting caught and going to jail, and why, for loving a beautiful girl, that sucks."

22. The victim's father and the victim's sister both had joined www.myspace.com in an effort to learn more about LETAVEC. It appears that LETAVEC discovered the victim's

sister's efforts and also learned that the victim's father had contacted law enforcement. For instance, in an email dated February 4, 2006, from LETAVEC to an as now unconfirmed recipient, LETAVEC writes as follows: "Any news on the home front? I can not believe she has not tried to call me, on someone's phone. Starting to think that she does not care about what happens to me, as much as I care about how she is doing. I would just really love to know how much her father and the police know. It sure would help to know. Well gotta go. Take care. And I hope all is well with you too."

23. LETAVEC has also, as noted by the victim's father, changed his profile on www.myspace.com but he still attempts to communicate with others. For instance, in an email dated February 1, 2006, from LETAVEC to an as now unconfirmed recipient, LETAVEC writes as follows:

I do not [know] who you are, no pictures is a definite no no . If you want to be added, you will first need a little more information and at least one good picture of yourself. I already got burned once from here by a girl that profile said she was 18, So I figured ok, a senior in high school . This girl was a mess with family problems and a lot of shit going in her life, so I decided to help her out anyway I could. I know she has improved a lot from how she was, but her mouth gets her in trouble a lot. Then when I was on my way home from a training class I decided to stop and watch a swimming tournament she was in . She called me the next morning and I met her and some friends for a few hours, then I find out she was only 14 (don't look 14), but I decided to get out while the getting was good . I did not want any trouble, but may have got in it anyhow . For what, trying to do something right in helping a girl that needed all the help she could get. So, no adding until I know that you are of age. sorry.

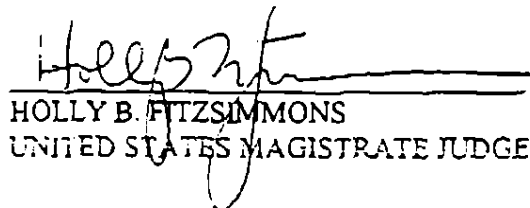
24. Based on the information known to law enforcement as set forth above, the affiant respectfully submits that there is probable cause to believe, and I do believe, that STEPHEN M. LETAVEC ("LETAVEC"), a/k/a "BIKER IN BLACK," age 39, 109 Fairview Avenue, Elrama, Pennsylvania, has used a means or facility of interstate commerce, such as an interactive

computer service, to persuade, induce, entice or coerce, and to attempt to persuade, induce, entice or coerce, a juvenile to engage in sexual activity for which any person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b), and has traveled in interstate commerce for the purposes of engaging in illicit sexual conduct, in violation of Title 18, United States Code, Section 2423(b),



KATHY SHUMAKER
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Sworn and subscribed before me this 23rd day of February, 2006.



HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE